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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,787	12/29/2003	Yuan-Lung Chang	P/727-124	2141
2352	7590	11/16/2004		
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			EXAMINER IQBAL, NADEEM	
			ART UNIT 2114	PAPER NUMBER
DATE MAILED: 11/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/748,787	Applicant(s) CHANG, YUAN-LUNG	
	Examiner Nadeem Iqbal	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 & 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Semo et al., (U.S. Patent Application number 2002/0083362).

1. Semo et al., (Semo) teaches (page 2, section 0028, lines 1-5) a first partition 40 stores a file that can rewrite a boot process, an operating system is imaged onto the second partition 50. He thus teaches limitations pertain to partitioning the hard drive into primary and secondary partitions, storing write data in an addressable space in the primary partition. He also creates a recovery file, including recover information, since he teaches as stated above storing operating system image onto the second partition 50. He also teaches (page 2, section 0029, lines 8-10) a partitioned hard drive, one partition containing the operating system and the other partition contains an image of the operating system. He also teaches (page 2, section 0030, lines 1-4) that in the event of a failure, the image stored in the image file in the first partition is copied to the second partition. He thus teaches limitations pertain to in response to a recovery command from the host terminal, retrieving the recovery files from the secondary partition, restoring the primary partition to the starting data initially found therein during the recovery time.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-5, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Semo et al., (U.S. Patent Application number 2002/0083362).

3. As per claims 2 & 7, Semo does not explicitly disclose that the write data and the recovery file are stored in a buffer prior to storage in the hard disk. Examiner takes official notice that it is very well know to store the data in a buffer prior to storage in the hard disk, and that buffers are provided in hard disks for this purpose.

4. As per claims 3 & 8, He teaches as stated above (page 2, section 0030, lines 1-4) that in the event of a failure, the image stored in the image file in the first partition is copied to the second partition, therefore his recover information would include write data.

5. As per claims 4 & 9, Semo teaches (page 3, section 0042, lines 1-3) with a request to execute recovery process, the controller in the second partition edits the BootStrap file to force a boot process to start from the first partition, thus reversing the startup order of the OS, He thus teaches the restore of the primary partition in a chronological order.

6. As per claim 5, Semo does not explicitly discloses the step of reporting a total storage capacity of the hard disk as being equal to that of the primary partition in response to a capacity inquiry. It is well know in the art that Microsoft OS based PCs include a command to provide

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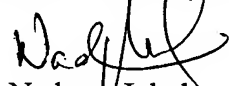
total storage capacity upon inquiry and is equal to the capacity of the primary storage capacity which would be stored in the primary partition.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadeem Iqbal whose telephone number is (571)-272-3659. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (571)-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nadeem Iqbal
Primary Examiner
Art Unit 2114

NI